

Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

August 25, 2010

Ms. Julie Warren
Duplin County Animal Shelter
117 Middleton Cemetery Road
Kernersville, North Carolina 28349

**CERTIFIED MAIL
RETURN RECEIPT
REQUESTED
7006 2760 0003 0472 2181**

Re: WARNING LETTER
Request for Remediation Schedule for Correcting Animal Shelter Deficiencies

Dear Ms. Warren:

As you are aware, your shelter facility was recently inspected by a member of the staff of the Animal Welfare Section of the North Carolina Department of Agriculture and Consumer Services. This section is responsible for enforcing state laws and regulations applicable to boarding kennels, pet shops and public and private animal shelters. You have received a copy of those laws and the rules establishing the minimum standards for conditions and practices in animal shelters in North Carolina.

The recent inspection on August 17, 2010, which was a follow up to an inspection conducted on July 22, 2010, indicated to the Section that your facility has failed to comply with the applicable laws and regulations, as described in the enclosed copies of its most recent inspection report. The inspector found the following deficiencies:

- 1) Peeling paint on concrete floors needs to be removed and repainted/resealed to promote sanitation;
- 2) Caulking in the cross-contamination barriers in six runs requires repair or replacement;
- 2) The last run in the dog quarantine area has chain link in need of repair;
- 3) One enclosure had one more dog than the number of resting platforms; there must be a resting platform for each dog in an enclosure
- 4) A thermometer needs to be installed in the dog quarantine area so that the ambient temperature can be monitored;
- 5) Waste cleaning and disposal was inadequate, as demonstrated by lack of any cleaning at noon, when the inspection began; the waste in the cat room had not been removed and insufficient litter was on hand for cleaning to be done, creating a strong odor and dirty cat cages;
- 6) Dirty litter pans had been left unwashed; these must be cleaned daily;
- 7) Animal waste had not been removed from the exercise pen;
- 8) Buckets and pans damaged by chewing had not been replaced;
- 9) Kennel areas must be cleaned thoroughly; presence of cob webs indicates that this is not happening;

- 10) Two pens each containing two dogs had only one food pan; one food pan is required for each adult dog;
- 11) The conditions listed above tend to show that this shelter lacks adequate personnel to keep it in compliance with minimum standards; the inspector noted that the Animal Control Officer was in the field, unavailable, and the one employee present in the shelter was busy answering the phone, waiting on visitors and trying to keep the dog room clean; it is apparent that the shelter needs an additional full-time employee to clean the premises and take care of the animals;
- 12) The inspector observed one sick kitten that had not received veterinary care; the inspector noted that the kitten received care later in the inspection;
- 13) disposition/euthanasia records were incomplete, lacking entry of the drug used and/or confirmation that the animal was euthanized;
- 14) The inspector could not do a complete inspection of the shelter euthanasia records because the euthanasia log was unavailable and the Animal Control Officer/CET was unavailable off the premises;
- 15) The animal disposition/adoption records are incomplete, lacking the city and telephone number of the person adopting the animal;

Failure to maintain complete and accurate records on shelter animals can constitute violation of the following:

02 NCAC 52J .0101 Records; animal shelters, etc.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) Origin of animals (including names and addresses of consignors) and date animals were received;
- (2) Description of animals including species, age, sex, breed, and color markings;
- (3) Location of animal if not kept at the licensed or registered facility;
- (4) Disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) Record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

Failure to make all records available during an inspection can constitute violation of the following:

02 NCAC 52J .0103 Inspection of RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

Failure to maintain the facility in good condition can constitute violation of the following:

02 NCAC 52J .0201 GENERAL

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.

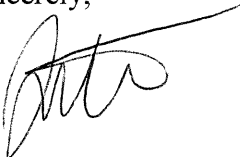
- (c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
- (e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature.
- (h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
- (i) An adequate drainage system must be provided for the housing facility.
- (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
- (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

Each of these deficiencies can constitute grounds for action against the shelter's registration certification, up to and including revocation of that certification. This letter constitutes a **WARNING** that future deficiencies of like these will result in disciplinary action by the Department.

Would you please provide the Animal Welfare Section with the remedial steps to be taken to solve these problems and the date when you expect that the shelter will have done so? We would appreciate a reply to this letter by no later than ten days from the date of receipt. Please feel free to respond directly to the Animal Welfare Section by fax or by letter. The address and fax number appears on the enclosed report.

If you have any questions about the applicable law or the shelter's status, please feel free to speak with me.

Sincerely,



Lee Hunter, DVM, MPH
Director, Animal Welfare Section

Copy to: Barry H. Bloch, Assistant Attorney General, NCDOJ
Pat Sholar, Animal Health Technician, NCDA&CS
David T. Marshall, State Veterinarian, NCDA&CS
Howard Isley, Assistant Commissioner, NCDA&CS

Type of Inspection

New ☐
 Annual ☐
 Follow-Up 7/22/10
 (Prev. Inspection Date)
 Complaint ☐
 Courtesy ☐
 Random ☐

NCDA&CS, VETERINARY DIVISION**ANIMAL WELFARE SECTION**

1030 MAIL SERVICE CENTER,

RALEIGH, NC 27699-1030

PHONE: 919/715-7111, FAX: 919/733-6431

INDOOR ☒
 OUTDOOR ☐
 BOTH ☐

ENTR
8/17/10

ANIMAL WELFARE INSPECTION

GPS Coordinates - N:

34.95129

W:

77.97481LICENSE #: 41TYPE FACILITY: Animal Shelter (Private) ☒ (Public) ☐ Boarding Kennel ☐ Pet Shop ☐ Public Auction ☐BUSINESS NAME: Duplin County Animal ShelterOWNER: Duplin Co. GovADDRESS: 117 Middleton Cemetery, Kenansville, NC 28349TELEPHONE: (910) 296-2159VMO HunterCOUNTY DuplinNumber of Primary Enclosures 20 KS
36 FELAnimals Present: Dogs 31Cats 30

Inspector: Mark "X" in each box, if adequate.
 Circle each item number, if inadequate.
 Use NA if not applicable

STRUCTURE**SANITATION****SPECIAL ITEMS****Housing Facilities**

- ☒ 1. Structure & Repair
☒ 2. Ventilation & Temp.
☒ 3. Lighting
☒ 4. Ceiling, Walk Floors
☒ 5. Storage
☒ 6. Water Drainage

- ☒ 11. Waste Disposal
☒ 12. Odor
☒ 13. Ceiling, Wall, Floors
☒ 14. Primary Enclosures
☒ 15. Equipment & Supplies
☒ 16. Washrooms, Sinks, Basins
☒ 17. Insect/Vermin Control
☐ 18. Building & Grounds

Records

- ☒ 24. Description of Animals
☒ 25. Records/Vet Treatment
☒ 26. Origin/Disposition
☒ 27. Signature (boarding kennel)
☒ 28. Written permission from owner for commingling (doggie daycare)

Primary Enclosures

- ☒ 7. Structure & Repair
☒ 8. Space
☒ 9. Ventilation & Temp.
☒ 10. Adequate Shelter

HUSBANDRY

- ☒ 19. Adequate Feed/Water
☒ 20. Food Storage
☒ 21. Personnel
☒ 22. Ratio of 1:10 personnel to animals if >4 in primary enclosure or common area
☒ 23. Animals' Appearance

Transportation

- ☒ 29. Care in Transit Discussed

Veterinary Care

- ☒ 30. Isolation Facility
☒ 31. No Signs of Illness/Treated (Started 8/18/10)

☐ APPROVED☒ CONDITIONALLY APPROVED☒ DISAPPROVEDDate 8/17/10 Time 2:00pmInspector's Signature
Don ShobeOwner/Authorized Agent's Signature
Chloe Warren

NCDA&CS, VETERINARY DIVISION
ANIMAL WELFARE SECTION,
1030 MAIL SERVICE CENTER,
RALEIGH, NC 27699-1030
PHONE: 919/715-7111, FAX: 919/733-6431

ANIMAL WELFARE INSPECTION CONTINUATION PAGE

LICENSE #: 41
TYPE FACILITY: ☒ Animal Shelter (Private/Public) ☐ Boarding Kennel ☐ Pet Shop ☐ Public Auction ☐
BUSINESS NAME: Duplin Co. AS
OWNER: _____
ADDRESS: Curt
TELEPHONE: () - -

Item Number	Explanation of Inadequacy (circled items above) And Recommendation For Compliance	Date Corrections Must Be Completed
<u>Follow-up from 7/22/10</u>		
<u>Items Addressed:</u>		
<u>1- There are no dogs or cats housed in the sully pad area today.</u>		
<u>2- Painting is complete except for the floors. Paint is peeling on concrete floors.</u>		
<u>Items To Address:</u>		
<u>1) & 4) Painting of concrete floors is needed. Paint is peeling - floors need to be kept sealed to aid in good sanitation.</u>		
<u>7) The barbing on the Cross Contamination barriers on 6 runs is either partially or fully missing. The Cook / second floor area.</u>		
<u>Last run in quarantine room (K-9) - Check link on gate needs repair.</u>		
<u>A resting platform was not available for 1 dog - resting platforms must be available for all dogs.</u>		
<u>9) Quarantine Room - K-9 - No thermometer present to monitor ambient temperature (50°-85°). A thermometer must be present in all indoor kennel areas.</u>		
<u>11) Waste Disposal - At Discom, beginning of inspection, the cat room had not been cleaned for 7th day. Only 1 employee was available for the entire shelter. Cat litter had been out and employee was waiting for the 1st AC to bring more litter. The litter pan was full and odor was strong. Food & water was present for all cats.</u>		
<u>14) Dirty Cat Cage - Refer to # 11).</u>		

☐ APPROVED

☒ DISAPPROVED

Date: 8/17/10

Time: 9:40pm

Rafaela Shaker

Inspector's Signature

Chloe Wornum

Owner/Authorized Agent's Signature

NCDA&CS, VETERINARY DIVISION
ANIMAL WELFARE SECTION,
1030 MAIL SERVICE CENTER,
RALEIGH, NC 27699-1030
PHONE: 919/715-7111, FAX: 919/733-6431

ANIMAL WELFARE INSPECTION CONTINUATION PAGE

LICENSE #: 41
TYPE FACILITY: Animal Shelter (Private/Public) ☒ Boarding Kennel ☐ Pet Shop ☐ Public Auction ☐
BUSINESS NAME: Duplin Co. A.S.
OWNER: _____
ADDRESS: Cont
TELEPHONE: () - -

Item Number	Explanation of Inadequacy (circled items above) And Recommendation For Compliance	Date Corrections Must Be Completed
15)	Dirty Equipment - A stack of unwashed litter pans was noted in the Sally port. These items must be cleaned daily. Exercise pen and ground pen needed cleaning of fecal matter. Chewed plastic buckets and pans still need to be replaced.	
17)	Litter Control - Obvious are again found in the kennel areas - more attention to cleaning is needed.	
19)	Adequate Food - There must be 1 food pan per adult dog per pan. Today, 2 pans housed 2 dogs in each pen with only 1 food pan.	
21)	Personnel - Again evidence is seen to indicate a lack of personnel to adequately take care of the duties of this facility. Inspection was conducted later in the day today to see staff on duty to have everything clean but it is not. The 1 ACC was in the field on the road and the 1 employee was waiting for cat litter processing the phone, waiting on the public and trying to keep the K-9 kennels clean. It appears this shelter needs a person to work full time cleaning & caring for the animals.	
23)	A Sick Kitten was observed - matted eyes - no vet care.	
25)	Records - Most current disposition (euthanasia records) do not have the drugs recorded on the statement the animal was euthanized. Cat Records are kept in the office - in loose cats - advised to identify not dogs and have records in that area. K-9 Kennels need identifying numbers refreshed. They are hard to read. Euthanasia log was locked - question if drugs have been logged since they are not on the disposition record. ACC not available today.	
26)	Noted that the City & phone # is not on the disposition and adoption records. Was advised the current computer program will not allow the City or phone #	

☐ APPROVED ☒ CONDITIONALLY APPROVED ☒ DISAPPROVED

Date 8/17/10 Time: 2:00 pm

John Shuler

Inspector's Signature

Chloe Warren

Owner/Authorized Agent's Signature

NCDA&CS, VETERINARY DIVISION
ANIMAL WELFARE SECTION,
1030 MAIL SERVICE CENTER,
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ANIMAL WELFARE INSPECTION CONTINUATION PAGE

LICENSE #: 41

TYPE FACILITY: ☒ Animal Shelter (Private/Public) ☐ Boarding Kennel ☐ Pet Shop ☐ Public Auction ☐

BUSINESS NAME: Duplin Co AC

OWNER: _____

ADDRESS: _____

TELEPHONE: () Cont

Item Number	Explanation of Inadequacy (circled items above) And Recommendation For Compliance	Date Corrections Must Be Completed
	To be typed in so it is missing on the records. Need to up grade system so all required information is recorded.	
31	Illness Treated - Refer to #23)	
Comments:		
A euthanasia inspection was not performed today - No CET was available.		
It was noted the R9 freezer lock is not working - cannot lock freezer - not good when public has access to this area.		
Temperatures were 78° at 12:15 pm in feline room & R9 room - R9 at least not have a thermometer. The air was cool but the odors (urine & feces) were strong.		
Again, advised employee to see that paperwork with incident #'s go to the computer for each animal.		
Re-Inspect in 14 working days.		

☐ APPROVED

☐ CONDITIONALLY APPROVED

☒ DISAPPROVED

Date: 8/17/12 Time: 2:00pm

R. K. Sheln

Inspector's Signature

C. W. Warner

Owner/Authorized Agent's Signature